Express Mail Label No.: EV 781048433US
Date of Deposit: December 20, 2005

U.S. Patent Appln. No. 10/038,405
Attorney Docket No.: 27799-013

REMARKS

The application has been fully reviewed in light of the Office Action dated September 20, 2005. Claims 1-17 are pending, with claims 1 and 15 being independent. Claims 18-20 were previously cancelled without prejudice and/or disclaimer of subject matter.

§103 Rejection

Claim 1-20 stand rejected under 35 U.S.C. §103 as reciting subject matter that would have been obvious over U.S. published patent application no. 2003-0047387 (Bogat) in view of U.S. published patent application no. 2002/0194074 A1 (Jacobs). For the following reasons, Applicants respectfully traverse this rejection, and submit that the claimed invention is patentable over the prior art.

The Invention

Claim 1 is directed to a method of optimizing a value associated with a characteristic of a product stored in a first field of a security database of a self-checkout system at an optimizing time. The security database also includes a second field for storing identification information for the product, a third field for storing a last time when the value was last updated and a fourth field for storing at least one new value for the characteristic stored in the first field between the last time and said optimizing time. The value being used in a comparison to a second value associated with the characteristic and detected in a security area of the self-checkout system during a purchasing transaction. The comparison used as a security measure to confirm that a product placed in the security area during the purchasing transaction is the same product identified by the system after the system identifies the product via identification information input by a user of the system. The method also includes querying the database for products having a time difference between the optimizing time and the last time greater than a predetermined period and having at least one new value for the characteristic, with the query establishing a query result. The method also includes revising the value for each product in the query result using the new value. Independent apparatus

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claim 15 recites the same patentable subject matter.

In some self-checkout systems, a physical characteristic (e.g., weight) is measured during purchase, and compared to a stored value of the characteristic in a security database. If the two differ, the item is rejected during the purchase, and either the shopper re-scans the product, where it then re-weighed and compared, or store personnel are summoned to override the rejection and let the product be purchased.

During the later process, when the store personnel overrides the rejection, the new measured value that was measured during the current purchase is stored in the security database for the particular product. The time at which this new measured value is stored is also stored in the database. At a later time (an optimizing time), the security database is updated - that is, the comparison values for products which have one or more new values stored for the comparison value (i.e., new values stored due to overrides - see above) is revised. Specifically, the database is queried for products where the comparison value of a product has an update value which has been stored earlier than the optimizing time (a predetermined time period prior to the optimizing time). The comparison value of each found product in the query is then revised using the new value.

This feature allows the security database to be updated so that incorrect values of a characteristic for a product are corrected, resulting in a faster and easier shopping experience for the shopper.

Analysis

In order to establish a prima facie case of obviousness, three criteria must be met:

1. there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings;

2. there must be a reasonable expectation of success; and

3. the prior art references must teach or suggest all the claim limitation.

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M.P.E.P. §2143.

Applicants again respectfully submit that the obviousness rejection as set forth in the outstanding Action, fails with respect to the third criteria for obviousness: neither <u>Bagot</u> nor <u>Jacobs</u>, when taken alone or in combination, teach or suggest (or discloses) *all the claim limitations* of the claimed invention. Specifically, neither reference discloses, teaches or suggests, either alone or in combination at least the following features:

- o   a checkout system having a security area;

- o   querying a security database of a self-checkout system for products having a time difference between *an optimizing time* and *a last time* for a value of a characteristic associated with the product greater than *a predetermined period*; and/or

- o   revising the value for each product in the query result of the security database using the new value.

First, neither reference alone or in combination discloses a security area. In the present invention, the security area (tunnel) is an area where items which are placed are the conveyor 16 and cannot be retrieved. As understood by Applicants, <u>Bagot</u> discloses a system that steady state values of a plurality of sensors may be updated for a particular item, so that new thresholds are established for the weight sensors monitoring the checkout area. As also understood by Applicants, <u>Jacobs</u> is directed to a self-checkout method and system which allows self-checkout of non-bar-coded items, using a graphical user interface (see Fig. 30).

Second, neither reference discloses *querying* a security database for products having a time difference between an optimizing time and a last time for a value of a characteristic associated with the product greater than a predetermined period. Applicants do not understand where the Action finds support for such a feature. Even assuming that <u>Bagot</u> discloses optimizing a value associated with a weight of an item, which Applicants contend <u>Bagot</u> does not, <u>Bagot</u> does not disclose querying a security database for products having a time difference greater than a predetermined period of time. While the Action maintains that <u>Jacobs</u> discloses the claimed querying feature in paragraph 0054, Applicants could find no

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such support in this paragraph. Paragraph 0054 is understood by Applicants to disclose identifying products in a database using search terms:

> "[0054] To identify the matching products, the checkout system parses input characters to form search terms and uses those terms to query the database 303 and thereby locate matching items. The search terms included in the query can include words (i.e., a group of contiguous letters delimited by a space character) as well as a word fragment (i.e., a group of contiguous letters not yet delimited by a space character). Querying database 303 includes comparing each of the search terms to keywords associated with each product. The item-keyword database may be stored in a local database 303 or a central database (e.g., a store controller database). FIG. 36 shows example item-keyword records for a number of products. As shown in FIG. 36, for each product, the database stores an icon 3601, a PLU number 3602, a descriptors 3603 that may be used by other store systems (e.g., by a store's master controller), and keywords in one or more languages (e.g., English 3604, Spanish 3605, and French 3606)."

Applicants do not understand how this paragraph can be understood to disclose querying a security database for products having *a time difference* between an optimizing time and a last time for a value of a characteristic associated with the product greater than a predetermined period. Applicants claimed invention has nothing to do with customers searching for items for purchase. Rather, the presently claimed invention is used by store personnel to enhance a security database for the self-checkout system.

Furthermore, there is simply no disclosure in either reference which would teach or suggest to one of ordinary skill in the art of revising the value for each product based on a new value from the results of the query step.

Accordingly, in view of Applicants above arguments, Applicants respectfully submit that independent claims 1 and 15 are patentable over Bagot and Jacobs. Since the remaining prior art of record fails to disclose the deficiencies of these references, Applicants respectfully submit that the independent claims are patentable over the art of record as well.

With regard to the dependent claims, since they necessarily incorporate by reference all the features recited in their respective base independent claims, they are also believed

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patentable for the same reasons. Accordingly, withdrawal of the prior art rejections for all the pending claims is now respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that the issues raised in the Office Action of September 20, 2005, have all been addressed, and that the present application is condition for allowance. Accordingly, Applicants respectfully request favorable reconsideration and early passage to issue of the present application. Accordingly, Applicants respectfully request favorable reconsideration and early passage to issue of the present application. **Should the Examiner still be of the opinion that issues remain for the allowance of the subject application, Applicants invite the Examiner to call Applicants below named representative to resolve any additional issues through either an Examiner's amendment or a Supplemental Amendment submitted by Applicants.**

It is believed that no additional fees are due with respect to the number of claims or extensions of time. In the event that it is determined that any additional fees are due in such respects, the Commissioner is hereby authorized to charge the undersigned's Deposit Account No. 50-0311 (ref. no. 27799-013), Customer No. 35437.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 692-6803. All correspondence should continue to be directed to our address given below.

Respectfully submitted,
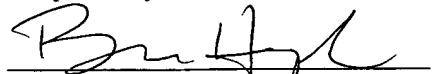
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Date: Dec. 20, 2005

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